

## **FINAL STATEMENT OF REASONS**

### UPDATE OF INITIAL STATEMENT OF REASONS

The following edits were made to the final text following the 45-day notice. As explained below, these changes are “nonsubstantial or solely grammatical in nature.” (Gov. Code, § 11346.8, subd. (c)), and therefore do not require further notice or public comment. (See Cal. Code Regs., tit. 1, § 40.)

### **Chapter 12: California Firearms Application Reporting System**

#### **Section 4340. Account Creation.**

As stated in the Initial Statement of Reasons, the purpose of this section is to mandate the creation of a California Firearms Application Reporting System (CFARS) account, as specified, and to explain the requirements for creating an account. Currently, Cal. Code Regs. tit. 11, section 5473 mandates the creation of a CFARS account for the purpose of filing an assault weapon registration electronically, and section 5512 mandates the creation of a CFARS account for the purpose of applying for a unique serial number for a firearm. Both sections 5473 and 5512 repeat the requirements for creating an account. The addition of section 4340 is necessary to consolidate the requirements for creating a CFARS account into one regulation section instead of two, and to broaden the applicability of a CFARS account, so that it may also be used to report firearm ownership information to the Department and to apply for and manage a Certificate of Eligibility. Consolidating the CFARS requirements into one section provides clarity to the public, who will be able to reference a single section of regulations to know how to create a CFARS account.

The adoption of section 4340 represents the best possible manner to implement the underlying statute. Currently, an individual can only report firearm ownership information to the Department, and apply for and manage a Certificate of Eligibility, by mailing paper forms to the Department. As stated in the Initial Statement of Reasons, utilizing the CFARS system for these additional purposes makes it possible for individuals to receive emails regarding their submissions to the Department, which allows for more timely communication, and makes it possible for individuals to submit information to the Department electronically, which is quicker, more efficient, and allows for the encryption of sensitive information.

A nonsubstantive change has been made to the Note Section in proposed Section 4340 to change the font of the Note Section from bold to normal. The change does not materially alter the requirements, rights or responsibilities, conditions, or prescriptions contained in the original text.

### **Chapter 39: Assault Weapons and Large-Capacity Magazines**

A nonsubstantive change has been made to the title for Chapter 39 to correct a typographical error by removing an extra space between hyphen after the word “Large” and the word “Capacity” and to delete a period that does not appear in the existing title for Chapter 39. The

changes do not materially alter the requirements, rights or responsibilities, conditions, or prescriptions contained in the original text.

### **Article 3. Assault Weapon Registration**

A nonsubstantive change has been made to the title for Article 3 to delete a period that does not appear in the title of existing Article 3. The changes do not materially alter the requirements, rights or responsibilities, conditions, or prescriptions contained in the original text.

As stated in the Initial Statement of Reasons, section 5474 has been amended to explain that a CFARS account must be created pursuant to section 4340 before the registration of an assault weapon can be initiated. The proposed rulemaking would delete section 5473, which currently mandates the creation of a California Firearms Application Reporting System (CFARS) account, as specified, and explains the requirements for creating an account. The requirements for creating a CFARS account have been moved to proposed section 4340. Someone reading section 5474 would no longer be able to reference the preceding section, 5473, to find the requirements for creating a CFARS account. The Department has determined that it is necessary to reference section 4340, to provide information to the public regarding how a CFARS account, which is referenced in section 5474, is created. Without this reference, an individual reading section 5474 would not know where in the California Code of Regulations the requirements for creating a CFARS account are located.

### **Article 5. CFARS Reporting of Self-Manufactured or Self-Assembled Firearms Pursuant to Section 29180**

A nonsubstantive change has been made to the title for Article 5. The existing regulation states “Cfars.” This is incorrect and the acronym should be in all capital letters. The Department did not show this change correctly in the proposed text of regulations and has now struck out the “Cfars” and underlined “CFARS” to indicate the change. In addition, the period added at the end of the title for Article 5, which does not appear in the existing regulations, has been removed. This change is nonsubstantive because it is a typographical change.

### **Chapter 41. Firearms: Identifying Information and Unique Serial Number Application Process for Self-Manufactured or Self-Assembled Firearms**

A nonsubstantive change has been made to the title for Chapter 41 to delete a period that does not appear in the title of existing Chapter 41. The changes do not materially alter the requirements, rights or responsibilities, conditions, or prescriptions contained in the original text.

#### **§ 5513. Applicant and Firearm Identification Information Entered into CFARS by Applicant and the Department’s Privacy Notice.**

As stated in the Initial Statement of Reasons, section 5513 has been amended to explain that a CFARS account must be created pursuant to section 4340 before the process to acquire a unique serial number can be initiated. The proposed rulemaking would delete section 5512, which

currently mandates the creation of a California Firearms Application Reporting System (CFARS) account, as specified, and explains the requirements for creating an account. The mandate to create a CFARS account and the associated requirements have been moved to proposed section 4340. Someone reading section 5513 would no longer be able to reference the preceding section, 5512, to find the requirements for creating a CFARS account. The Department has determined that it is necessary to reference section 4340, to provide information to the public regarding how a CFARS account, which is referenced in section 5513, is created. Without this reference, an individual reading section 5513 would not know where in the California Code of Regulations the requirements for creating a CFARS account are located.

Section 5513, subdivision (a)(1)(A) in this article was amended by an emergency regulation on January 1, 2019. A change has been made to section 5513 to reflect the amendment and show the current language in the California Code of Regulations. This change is nonsubstantive because it incorporates language that is already existing in the regulation.

A nonsubstantive change has been made to Section 5513, subdivision (a)(2)(B) to renumber it to Section 5513, subdivision (a)(2)(A). The existing regulation does not have a subdivision (a)(2)(A), making subdivision (a)(2)(B) a numbering error. The changes do not materially alter the requirements, rights or responsibilities, conditions, or prescriptions contained in the original text.

Section 5513, subdivision (b) has been amended to correct a numbering error. That subdivision is concerned with the “identifying information” required to process an applicant’s request for a unique serial number. However, the current regulation inaccurately references subdivisions (a), (b) and (c), which are not concerned with “identifying information.” The “identifying information” in question is located at (a)(1), (a)(2), and (a)(3). This amendment is necessary to reference the correct subdivisions having to do with identifying information. If the identifying information required by (a)(1), (a)(2) and (a)(3) are not provided, the Department will be unable to approve the application, pursuant to Penal Code section 29182, subdivision (b).

## SUMMARY OF COMMENTS AND DOJ RESPONSES

The Department did not receive any comments during the public comment period, and therefore, the Department does not have any responses to provide.

## LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

## ALTERNATIVES DETERMINATIONS

The Department has determined that no alternative it considered or that it otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than

the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No alternatives were proposed to the Department that would lessen any adverse economic impact on small business.

#### EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has determined that the proposed regulations will not have a significant, statewide, adverse economic impact affecting business because the California Firearms Application Reporting System can only be used by individuals rather than businesses.

#### NONDUPLICATION

The Department has determined that these regulations are not duplicative in whole or in part of a state or federal statute or regulation.